

## **LBNL – PROCUREMENT STANDARD PRACTICES**

**Section: 37 Service Subcontracting**  
**Subject: 37.2 Acquisition of Legal Services**

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**PURPOSE:** This standard practice (SP) describes the responsibilities of legal counsel in the acquisition of legal services.

**POLICY:** Legal services arising out of the University's management of the Laboratory shall be obtained in accordance with Prime Contract Clause I.98, *Insurance – Litigation and Claims*, the Laboratory's approved Legal Management Plan, and other related clauses of the Prime Contract.

**SCOPE:** This SP applies to all acquisition of legal services.

### **DEFINITIONS:**

**Legal Services** Legal services means professional services of outside counsel related to claims, litigation or administrative proceedings involving the University, its officers or its employees; patent prosecution services; or expert legal counsel in specialized areas of law. For the purposes of this SP, legal services also means the services of consultants, accountants, experts, or others retained by Laboratory Counsel or outside counsel.

**Legal Management Plan** *Legal Management Plan* means the plan required by 10 CFR 719. This term is also referred to as a Litigation Management Plan in the *Insurance – Litigation and Claims* clause and may be used interchangeably.

### **RESPONSIBILITIES:**

**Laboratory Counsel** Laboratory Counsel is responsible for providing counsel and acquiring outside legal services related to the University's management of the Lawrence Berkeley National Laboratory (LBNL):

- In accordance with Prime Contract Clause I.98, *Insurance – Litigation and Claims* and other related clauses of the Prime Contract and the *Legal Management Plan* for LBNL as approved by the DOE Department Counsel of the cognizant operations office; and
- Under delegated authority from the General Counsel of the University of California in accordance with Regents' Bylaw 21.2.

**DOE Department Counsel** The designated DOE Department Counsel is responsible for:

- Carrying out DOE's responsibilities under the Prime Contract and 10 CFR 719 as they relate to the acquisition of legal services;
- Reviewing and approving legal costs reimbursed the University in accordance with Prime Contract Clause I.98,

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*Insurance — Litigation and Claims*, and other related clauses of the Prime Contract, and

- Assuring that the costs of legal services reimbursed by the Government are reasonable, allocable, and in accord with Federal requirements.

**Procurement  
Manager**

The Procurement Manager shall provide procurement advice and support as may be requested by Laboratory Counsel.

**REFERENCES:**

Prime Contract Clause I.98 - Insurance-Litigation and Claims  
Prime Contract Clause I.114 - Contractor Purchasing System